

# **APPROPRIATION ACT LANGUAGE FOR VIRGINIA INFORMATION TECHNOLOGIES AGENCY**

Agency Code 136, Item 463 of Chapter 4 of the  
2004 Acts of Assembly, Special Session I (House Bill 5001)

Virginia Information Technologies Agency (136)

463. Administrative and Support Services (84900) sum suf sum suf

Fund Sources: Internal Service sum suf sum suf

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Consistent with the provisions of Chapters 981 and 1021, Acts of Assembly of 2003, the Director, Department of Planning and Budget, is authorized to transfer general fund and nongeneral fund appropriations from Executive Department agencies, other than institutions of higher education, to the Virginia Information Technologies Agency. These transfers represent funds appropriated to agencies for information technology resource expenses that have been identified by the Secretary of Technology for transfer to the Virginia Information Technologies Agency. The State Comptroller shall transfer cash consistent with these appropriation transfers.

B. 1.a. Consistent with the provisions of Chapter 981 and 1021, Acts of Assembly of 2003, the Director, Department of Planning and Budget, is authorized to transfer general fund and nongeneral fund positions identified by the Secretary of Technology in the Executive Department agencies, other than institutions of higher education, as technology-related positions to the Virginia Information Technologies Agency.

b. The Governor shall provide to the Chairmen of the House Appropriations and Senate Finance Committees no later than 30 days after any such transfers the approved amounts and/or positions and the agencies affected.

2. The Governor is hereby authorized to increase the maximum position level for the Virginia Information Technologies Agency as necessary to efficiently and effectively administer and integrate new technologies within state government.

3. The Chief Information Officer (CIO) shall provide a report by January 1, 2005, or within five days of final agreement if final agreement is reached prior to January 1, 2005, to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, the Senate General Laws Committee, and the

House Science and Technology Committee with copies of the finalized memorandum of agreement (MOA) for each agency scheduled to have its information technology services transitioned to VITA by January 1, 2005. The MOA is to guide the provision of information technology equipment and operating support by the Virginia Information Technologies Agency to each affected state agency. The report shall also detail how service levels will be determined, the input affected agencies will have in ensuring service levels are maintained, and mechanisms available to agencies with concerns about services provided by the Virginia Information Technologies Agency.

4. Starting July 1, 2004, the CIO shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, the Senate General Laws Committee, and the House Science and Technology Committee with quarterly status reports on the implementation of information technology reform.

C. Operational costs for this program shall be paid solely from charges to other programs within this agency.

D. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the Virginia Port Authority.

E. The requirement that the Department of Mental Health, Mental Retardation, and Substance Abuse Services purchase information technology equipment or services from the Virginia Information Technologies Agency according to the provisions of Chapters 981 and 1021 of the Acts of Assembly of 2003 shall not adversely impact the provision of services to mentally disabled clients.

F.1. The Department of Human Resource Management shall review all compensation actions for employees of the Virginia Information Technologies Agency for proper application of the Commonwealth's classification and compensation policies or procedures. Subject to a memorandum of agreement between these two agencies, such review shall be undertaken in a timely manner and the results reported back to the Virginia Information Technologies Agency within five business days of completion.

2. No later than November 1 of each year the Department shall report its findings of any material deviations from such policies or procedures and the corrective actions that have been taken to the Virginia Information Technologies Investment Board, the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Joint Legislative Audit and Review Commission.

G. The Information Technology Investment Board, in addition to the responsibilities as set forth in the 9th Enactment clause of Chapter 981 of the Acts of Assembly of 2003, shall have the authority to postpone the implementation schedule of any state agency by a vote of the majority of members. The members may consider the following reasons for postponement:

security and sensitivity of information, adverse economic affects on participants' benefits, unusual effects on the agency's budget, or other matters that could adversely effect the Commonwealth's operations in the opinion of the Chief Information Officer.

H. The Board shall not delegate any duties or responsibilities to the Chairman other than to preside over meetings or act as the Board's spokesperson in public meetings. The Chairman shall have no powers or duties greater than those given to any other Board member. The Board shall use the Chief Information Officer to arrange Board and committee meetings and agendas and solicit the Chief Information Officer's advice on Information Technology Investment Board meeting topics and the frequency of meetings.

Virginia Information Technologies Agency (136)

464.	Automated Data Processing Services (82000)	sum	suf	sum	suf
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Fund Sources: Internal Service	sum	suf	sum	suf
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Authority: Title 2.2, Chapter 20.1, Code of Virginia.

Amounts for Automated Data Processing Services represent an internal service fund and shall be paid solely from revenues derived from charges for services. The estimated cost for Computer Operations Services is \$65,301,071 the first year, and \$65,301,071 the second year, and for Information Systems Development Services, \$3,700,744 the first year and \$3,700,744 the second year.

Virginia Information Technologies Agency (136)

464.	Automated Data Processing Services (82000)	sum	suf	sum	suf
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Fund Sources: Internal Service	sum	suf	sum	suf
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Virginia Information Technologies Agency (136)

465.	Telecommunications Services (82200)	sum suf	sum suf
	Integrated Voice, Data, and Video Communications Services (82201)	sum suf	sum suf
Fund Sources:	Internal Service	sum suf	sum suf

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Amounts for Integrated Voice, Data, and Video Communications Services represent an internal service fund that shall be paid solely from revenues derived from charges for services. The estimated internal service fund cost for Integrated Voice, Data, and Video Communications is \$63,895,794 the first year and \$63,895,794 the second year.

B. Political subdivisions and local school divisions are hereby authorized to purchase long-distance and local telecommunications services from Virginia Information Technologies Agency, if such purchases are not prohibited by the terms and conditions of the Department's contracts for such services.

Virginia Information Technologies Agency (136)

466.	Information Systems Management and Direction (71100)	7,666,851	7,666,999
	Public Information Access Services (71104)	5,139,696	5,139,844
	Geographic Information Access Services (71105)	463,989	463,989
	Technology Management and Oversight (71106)	0	0
	Other Services (71199)	2,063,166	2,063,166
Fund Sources:	General	2,380,324	2,380,472
	Special	21,609	21,609
	Dedicated Special Revenue	5,264,918	5,264,918

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. All state and nonstate agencies receiving an appropriation in Items 44 through 508 of this act shall comply with the guidelines and related procedures issued by Virginia Information Technologies Agency for effective management of geographic information systems in the Commonwealth.

2. All state and nonstate agencies identified in paragraph A 1 that have a geographic information system, shall assist the department by providing any requested information on the systems including current and planned expenditures and activities, and acquired resources.

3. The State Corporation Commission, Virginia Employment Commission, the Department of Game and Inland Fisheries, and other nongeneral fund agencies are encouraged to use their own fund sources for the acquisition of hardware and development of data for the spatial data library in the Virginia Geographic Information Network.

B. Notwithstanding the provisions of Title 56, Chapter 15, Article 7, Code of Virginia, \$125,000 the first year and \$125,000 the second year from the Wireless E-911 Fund is included in the appropriation for Geographic Information Access Services. This funding is to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services.

C. Virginia Information Technologies Agency, through its Geographic Information Network Division (VGIN), or its counterpart, is acquiring high-resolution digital orthophotography of the land base of Virginia pursuant to VGIN's Virginia Base Mapping Program (VBMP) and funded principally by the Wireless E-911 Services Board. VGIN, or its counterpart, shall continue working with local governments and the E-911 Wireless Services Board to establish a sound plan for keeping the digital ortho files up-to-date and funding these maintenance costs. All digital orthophotography, Digital Terrain Models and ancillary data produced by the VBMP shall be the property of the Commonwealth of Virginia and administered by VGIN. The VGIN, or its counterpart, will be responsible for protecting the data through appropriate license agreements and establishing appropriate terms, conditions, charges and any limitations on use of the data. VGIN will license the data at no charge (other than media / transfer costs) to Virginia governmental entities or their agents. Such data shall not be subject to release by such entities under the Freedom of Information Act or similar laws. VGIN in its discretion may release certain data by posting to the Internet. Distribution of the data for commercial or private use or to users outside the Commonwealth will be the sole responsibility of VGIN or its agent(s) and may require payment of a license fee to be determined by VGIN. All fees collected as a result will be added to the GIS Fund as established in the Code of Virginia §2.2-2028. Collected fees will be

used for future data updates or to cover the costs of existing digital ortho acquisition or for other purposes authorized in § 2.2-2028.

Virginia Information Technologies Agency (136)

467.	Emergency Communication Systems Management and Direction (71200)	27,753,942	27,753,942
	Emergency Communication Systems Development Services (71201)	1,397,040	1,397,040
	Financial Assistance to Localities for Enhanced Emergency Communications (71202)	15,294,000	15,294,000
	Financial Assistance to Service Providers for Enhanced Emergency Communication Services (71203)	11,062,902	11,062,902
Fund	Dedicated Special Revenue		
Sources:		27,753,942	27,753,942

Authority: Title 2.2, Chapter 20.1, and Title 56, Chapter 15, Code of Virginia.

A. Virginia Information Technologies Agency shall provide a status report on the utilization and status of monies held and anticipated in the E-911 Fund by November 1, of each year to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees.

B.1. Out of the amounts for Emergency Communication Systems Development Services, \$1,000,000 the first year and \$1,000,000 the second year shall be used for development and deployment of improvements to the statewide E-911 network.

2. These funds shall remain unallotted until their expenditure has been approved by the Wireless E-911 Services Board.

Virginia Information Technologies Agency (136)

468.	Executive Management (71300)	0	-1,644,000
	Savings From Management Actions (71301)	0	-1,644,000
Fund Sources: General		0	-1,644,000

Authority: Discretionary Inclusion.

The Chief Information Officer, Virginia Information Technologies Agency, shall take all necessary action and shall provide information to the Director, Department of Planning and Budget, to withhold from agency appropriations general and nongeneral fund amounts for savings resulting from information technology and telecommunications operating efficiencies. The Department of Planning and Budget is hereby authorized to reduce the general fund appropriation of each agency and institution in the Executive Department, as contained in Part 1 of this act by an amount determined by the Virginia Information Technologies Agency to be each agency's share of savings. The general fund amount, estimated at \$1,644,000 the second year, shall be transferred to this Item. The nongeneral fund amount, estimated at \$3,466,000 the second year, shall be transferred to the general fund by the State Comptroller pursuant to the provisions of § 3-1.01 of this act. All funds from the Virginia Retirement System and federal sources are excluded from these transfers.

## Part IV General Provisions of Chapter 4 of the 2004 Acts of Assembly, Special Session I (House Bill 5001)

### §4-5.04 GOODS AND SERVICES

#### a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public

service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

#### b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a. The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b. Except for (i) "major information technology projects" as defined in §2.2-2006 of the Code of Virginia; (ii) research projects, research initiatives, or instructional programs at public institutions of higher education, or (iii) any non-major information technology project request from the Virginia Community College System or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and University of Virginia.

c. The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.



d. Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e. All requests for authorization to procure information technology or telecommunications goods or services for major information technology projects shall be submitted by state agencies or institutions to the Information Technology Investment Board pursuant to §2.2-2458 of the Code of Virginia.

f. Nothing in this sub-item shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

g. To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the NetworkVirginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of §2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles (including station wagons) shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph b.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. DRUG PURCHASES: No state agency shall dispense drugs purchased from appropriations in this act for Title XIX, Social Security Act. This provision shall not apply to drugs dispensed to patients of institutions operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the hospital at the University of Virginia and to patients of local health departments.

e. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: No state Executive Department agency or the State Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the State Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-1301, Code of Virginia.

f. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;
2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at the rate of 32.5 cents per mile, or in the instance of a state employee, at the lesser of (a) 32.5 cents per mile or (b) the lowest rate charged by the Department of General Services, Office of Fleet Management Services, for the use of state-owned automobiles. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of 32.5 cents per mile. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be 32.5 cents per mile;
3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;
4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;
5. State agencies shall identify all employees likely to travel on official business of state government more than twice per year and shall reimburse such employees for their travel costs using electronic data interchange. Any exceptions to this requirement must be approved by the affected cabinet secretary; and
6. This section shall not apply to members and employees of public school boards.

g. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of \$1 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.